

APPENDIX A

APPENDIX A**I. CONSTRUCTION OF CLAIM TERMS AGREED UPON**

	Term(s) to be Construed	Proposed Construction
	<p>to execute</p> <p>code module . . . configured for automatic execution</p> <p>('691: 19, 20, 21, 25) ('636: 1, 2, 3, 9, 14, 20, 25)</p>	<p>Execute/execution means “To interpret, perform or run computer program instructions.”</p>

II. DISPUTED CLAIM TERMS FOR CONSTRUCTION

	Term(s) to be Construed	Yahoo!’s Construction & Evidence	Augme’s Construction & Evidence
1.	<p>to add function to a Web page</p> <p>('691: 19, 20)</p> <p>('636: 1, 2, 3, 9, 14, 20, 25)</p>	<p>To add function to a web page means “to apply to a web page a software device that displays a graphical representation of a real world device and that is capable of performing or administering a service or activity.”</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p>	<p>“To add function to a Web page” means “to add tailored content to a Web page.”</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '636 Patent, 5:36-46, 11:65-12:6, 12:63-13:5, 14:35-38 • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<ul style="list-style-type: none"> '691 Patent at Figs. 1 (items 74, 76), 3, 4, 11-12,; 1:58-63; 2:12-19; 5:29-63; 7:48-64; 8:30-48; 9:64-66; 12:56-13:3; 14:18-22; 14:42-46.¹ U.S. Patent No. 6,029,141 at Fig. 1; 1:49-2:5; 2:19-47; 3:8-25; 9:40-13:8. Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	the priority date.
2.	<p>code module . . . embedded in said Web page</p> <p>Code module . . . embedded therein</p> <p>('691: 19, 20, 21, 25)</p> <p>('636: 1, 2, 3, 9, 14, 20, 25)</p>	<p>Embedded in said web page or embedded therein means "written into the HTML code of the web page when the web page developer designs the web page."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent claim 1; Fig. 1 (item 22); Fig. 2; 1:58-2:11; 3:50-57; 4:63-5:6; 6:3-19; 7:24-30; 14:18-33. Am. Century Dict. 184 (1995) ("embed": "fix firmly in; implant"). Am. Heritage College Dict. 448 (3d Ed. 1997) ("embed": "To cause to be an integral part of a surrounding whole"). A. Freedman, The Computer Glossary 131 (9th Ed. 2001) ("embedded command": "A command inserted within text or other codes"). A. Freedman, The Computer Glossary 131 (9th Ed. 	<p>"Embedded" means "inserted in a Web page."</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent Fig. 2; 2:49-54; 3:50-52; 5:2-6 "To insert or merge." (McDaniel, George (ed.) IBM Dictionary of Computing, McGraw-Hill, Inc. New York, 1994, p. 233) Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.

¹ As the two Patents in Suit share an effectively identical specification, evidentiary citations to the '691 Patent specification incorporate the same language in the '636 Patent, and vice-versa.

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<p>2001) ("embedded SQL": "SQL statements written into a high-level language source program, such as C or Pascal").</p> <ul style="list-style-type: none"> • M. Weik, Computer Science and Communications Dict. 510 (2000) ("embedded": "Pertaining to a smaller entity that (a) is wholly contained within a larger entity and (b) is part of that entity, such as (i) a loop in a computer program or (ii) a data object enclosed in a pair of parentheses located within a data object that is enclosed in another pair of parentheses"). • McGraw-Hill Dictionary of Scientific and Technical Terms 712-13 (6th Ed. 2003) ("embed": "To closely surround"). • Merriam-Webster's Collegiate Dict. 376 (10th Ed. 1998) ("embed": "to make something an integral part of"). • Merriam-Webster's Collegiate Dict. 376 (10th Ed. 1998) ("embedded": "occurring as a grammatical constituent (as a verb phrase or clause) within a like constituent"). • Microsoft Press Computer Dict. 174 (3d Ed. 1997) ("embedded": "In software, pertaining to code or a command that is built into its carrier."). • Microsoft Press Computer Dict. 165 (4th Ed. 1999) ("embedded": "In software, pertaining to code or a command that is built into its carrier."). • New Oxford Am. Dict. 551 (2d Ed. 2005) ("embed": "<i>Computing</i> incorporate (a text or code) within the body of a file or document"). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
3.	service response ('691: 19, 20, 21, 25) ('636: 1, 2, 3, 9, 14, 20, 25)	<p>Service response means "information associated with the URL of the downloaded web page that specifies whether the downloaded web page is permitted to have access to a requested function, and if yes, how the function should be presented on the web page."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent at Fig. 6; Fig. 7; Fig. 9; Abstract; 5:29-39; 7:65-9:34; 11:60-12:60. '691 File History, January 8, 2003 Amendment, at 20. Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>A "service response" means "a response indicating a denial, customized or default service to be rendered (displayed) on a Web page."</p> <p>Evidence:</p> <ul style="list-style-type: none"> '636 Patent, 7:42-9:36, 8:30-33, 8:57-61, 9:19-22, 9:45-58, 10:41-46, 10:37-39, 11:27-12:6, 12:51-57, Fig. 5, Fig.6, Fig. 7 Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
4.	code module ('691: 19, 20, 21, 25) ('636: 1, 2, 3, 9, 14, 20, 25)	<p>Code module means "a unit of computer program instructions for performing specific computing tasks."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent at Fig. 2; claim 2; 2:29-67; 3:11-13; 3:51-57; 4:61-5:29; 6:14-35; 12:38-48; 13:38-52; 14:18-30. '691 File History, January 8, 2003 Amendment, at 9-10. '636 File History, March 26, 2007 Amendment, at 11-14. US Patent No. 6,317,761 (Landsman) (portions cited in '691 File History, July 30, 2002 Office Action and 	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>"a collection of computer program instructions, which can include data or data structures, for performing computing tasks."</p> <p>Evidence:</p> <ul style="list-style-type: none"> See, e.g., '636 Patent Fig. 2, '691 Patent, 4:61-5:28; 6:3-35. "(4) Loosely, one or more computer programs,

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<p>January 8, 2003 Amendment).</p> <ul style="list-style-type: none"> • US Patent No. 5,796,952 (Davis) (portions cited in '636 File History, October 27, 2006 Office Action and March 26, 2007 Amendment). • Am. Heritage College Dict. 269 (3d Ed. 1997) ("code": "A system of symbols and rules used to represent instructions to a computer."). • A. Freedman, The Computer Glossary 64 (9th Ed. 2001) ("code": "A set of machine symbols that represents data or instructions"). • M. Weik, Computer Science and Communications Dict. 224-25 (2000) ("code": "To represent data or a computer program in a symbolic form that can be accepted by a computer or a data processor"). • P. Laplante, ed., Dict. of Computer Science Engineering and Technology 81 (2001) ("code": "(1) the act of writing software. (2) a technique for representing information in a form suitable for storage or transmission"). • McGraw-Hill Dictionary of Scientific and Technical Terms 419 (6th Ed. 2003) ("code": "A system of symbols and rules for expressing information, such as the Morse code, Electronic Industries Association color code, and the binary and other machine languages used in digital computers"). • Merriam-Webster's Collegiate Dict. 221 (10th Ed. 1998) ("code": "a set of instructions for a computer"). • Microsoft Press Computer Dict. 96 (3d Ed. 1997) ("code": "Program instructions. Source code consists of human-readable statements written by a programmer in a programming language."). • Microsoft Press Computer Dict. 91 (4th Ed. 1999) ("code": "Program instructions. Source code consists 	<p>or part of a computer program. (5) Instructions written for a computer. (6) A coded character set. (8) To represent data or a computer program in a symbolic form that can be accepted by a data processor." (McDaniel, George (ed.) <i>IBM Dictionary of Computing</i>, McGraw-Hill, Inc. New York, 1994, p. 111)</p> <ul style="list-style-type: none"> • "1. In programming, a collection of routines and data structures that performs a particular task or implements a particular abstract data type. Modules usually consist of two parts: an interface, which lists the constants, data types, variables, and routines that can be accessed by other modules or routines, and an implementation, which is private (accessible only to the module) and which contains the source code that actually implements the routines in the module. <i>See also...</i>" (Definition from <i>Microsoft Press, Microsoft Press Computer Dictionary, Third Edition</i>, Microsoft Press, Redmond, WA: 1997, p. 313.) • "(1) In programming languages, a language construct that consists of procedures or data declarations and that can interact with other such constructs; for example, in Ada, a package; in FORTRAN, a program unit; in PL/I, an external procedure. (I) (2) A program unit that is discrete and identifiable with respect to compiling, combining with other units, and loading; for example, the input to or output from an assembler, compiler, linkage editor, or executive routine. (A)

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		<p>of human-readable statements written by a programmer in a programming language.”).</p> <ul style="list-style-type: none"> • New Oxford Am. Dict. 328 (2d Ed. 2005) (“code”: “<i>Computing</i> program instructions”). • Microsoft Press Computer Dict. 312-13 (3d Ed. 1997) (“modular design”: “An approach to designing hardware or software. In modular design, a project is broken into smaller units, or modules, each of which can be developed, tested, and finished independently before being combined with the others in the final product. Each unit is designed to perform a particular task or function and can thus become part of a ‘library’ of modules that can often be reused in other products having similar requirements. In programming, for example, one module might consist of instructions for moving the cursor in a window on the screen. Because it is deliberately designed as a stand-alone unit that can work with other sections of the program, the same module might be able to perform the same task in another program as well, thus saving time in development and testing”). • Microsoft Press Computer Dict. 295 (4th Ed. 1999) (“modular design”: “An approach to designing hardware or software. In modular design, a project is broken into smaller units, or modules, each of which can be developed, tested, and finished independently before being combined with the others in the final product. Each unit is designed to perform a particular task or function and can thus become part of a ‘library’ of modules that can often be reused in other products having similar requirements. In programming, for example, one module might consist of instructions for moving the cursor in a window on the screen. Because 	<p>(4) A part of a program that usually performs a particular function or related functions.” (McDaniel, George (ed.) <i>IBM Dictionary of Computing</i>, McGraw-Hill, Inc. New York, 1994, p. 439)</p> <ul style="list-style-type: none"> • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.

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		<p>it is deliberately designed as a standalone unit that can work with other sections of the program, the same module might be able to perform the same task in another program as well, thus saving time in development and testing”).</p> <ul style="list-style-type: none"> • Microsoft Press Computer Dict. 295 (4th Ed. 1999) (“modular software”: “A program created from multiple standalone software components. Modular components can work together to perform the work for which the larger program is designed while still remaining individually usable — and reusable — in other programs. Modular software is, in effect, made up of recyclable parts. Because each component is functionally autonomous and self-contained, other components can call on its services without having to ‘know’ how it works. Thus, a programmer can change or modify the way one component performs its work without adversely affecting other components in the same program”). • McGraw-Hill Dictionary of Scientific and Technical Terms 1359 (6th Ed. 2003) (“modular programming”: “The construction of a computer program from a collection of modules, each of workable size, whose interactions are rigidly restricted”). • A. Freedman, The Computer Glossary 252 (9th Ed. 2001) (“module”: “A self-contained hardware or software component that interacts with a larger system”). • M. Weik, Computer Science and Communications Dict. 1039-40 (2000) (“module”: “In computer programming, a computer program unit that is discrete and identifiable and therefore can be treated as a unit, such as with respect to compiling, combining with other 	

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		<p>program modules, and loading”).</p> <ul style="list-style-type: none"> • D. Downing et al., Dict. of Computer and Internet Terms 308 (7th Ed. 2000) (“module”: “a part of a larger system. A module in a computer program is a part of the program that is written and tested separately and then is combined with other modules to form the complete program”). • B. Pfaffenberger, Webster's New World Dict. of Computer Terms 355 (8th Ed. 2000) (“module”: “In a program, a unit or section that can function on its own”). • G. McComb, JavaScript Sourcebook 637, 656-57 (1996). • E. Petroutsos, Interactive Web Publishing with Microsoft Tools at App. C & 784 (1997). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	
5.	<p>assemble said second code module in response to said first and second information</p> <p>said second computer readable code module being responsive to said first and second information</p> <p>assembling said second code module in response to said</p>	<p>In response to said first and second information or responsive to said first and said information means “such that the second code module is compatible with the web browser and client machine combination of the web page visitor.” In response to said information means “such that the second code module is compatible with the web browser or computer processor of the web page visitor.”</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '691 Patent at 2:25-67; 11:60-12:9. 	<p>“In response to said information” means “such that the second code module is assembled using said information to target the second code module to said Web page.”</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '691 Patent, 7:15-44, 8:12-28, 8:37-9:33, 9:39-42; 9:54-67, 10:1-34, 11:60-12:3 • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.

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	information ('691: 19, 20, 25) ('636: 14)	<ul style="list-style-type: none"> • '691 File History, January 8, 2003 Amendment, at 9-25. • '636 File History, March 26, 2007 Amendment, at 9-17. • US Patent No. 6,317,761 (Landsman) (portions cited in '691 File History, July 30, 2002 Office Action and January 8, 2003 Amendment). • US Patent No. 5,796,952 (Davis) (portions cited in '636 File History, October 27, 2006 Office Action and March 26, 2007 Amendment). • Merriam-Webster's Collegiate Dict. 234 (10th Ed. 1998) ("compatible": "designed to work with another device or system without modification"). • Am. Heritage College Dict. 284 (3d Ed. 1997) ("compatible": "capable of existing or performing in harmonious, agreeable, or congenial combination."). • Microsoft Press Computer Dict. 99-100 (4th Ed. 1999) ("compatibility": "the degree to which a computer, an attached device, a data file, or a program can work with or understand the same commands, formats, or language as another. . . . In reference to software, harmony on a task-oriented level among computers and computer programs."). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	
6.	initiating execution of said second code module ('636: 1, 2, 3, 9, 14, 20, 25)	<p>Second command to initiate execution of second code module or initiating execution of said second code module means "the first code module, as distinguished from the browser, instructs the second code module to begin executing."</p> <p>* This term may be claim dispositive as to one or both accused products.</p>	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>"causing to begin execution of a code module"</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<p>Evidence:</p> <ul style="list-style-type: none"> • '691 Patent at Fig. 2 (item 104); Abstract; 2:36-67; 5:23-26; 12:38-48. • '691 File History, January 8, 2003 Amendment, at 9-24. • '636 File History, March 26, 2007 Amendment, at 12-15. • US Patent No. 6,317,761 (Landsman) (portions cited in '691 File History, July 30, 2002 Office Action and January 8, 2003 Amendment). • US Patent No. 5,796,952 (Davis) (portions cited in '636 File History, October 27, 2006 Office Action and March 26, 2007 Amendment). • Microsoft Press Computer Dict. 96 (4th Ed. 1999) ("command": "An instruction to a computer program that, when issued by the user, causes an action to be carried out."). • Microsoft Press Computer Dict. 101 (3d Ed. 1997) ("command": "An instruction to a computer program that, when issued by the user, causes an action to be carried out."). • Am. Heritage College Dict. 700 (3d Ed. 1997) ("initiate": "To set going by taking the first step; begin . . ."). • Am. Century Dict. 291 (1995) ("initiate": "begin, set going"). • New Int'l Webster's Pocket Dict. of the English Language 259 (1997) ("initiate": "To begin; originate."). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>Evidence:</p> <ul style="list-style-type: none"> • '691 Patent, 5:23-26 • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date. <p>See Definition for "code module" See Definition for "execution"</p>

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7.	database having stored therein a service response in association with said Web address ('691: 21, 25)	<p>Database having stored therein a service response in association with said web address means “a file composed of records, each record storing the URL of a downloaded webpage and a corresponding service response”</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '691 Patent at Figs. 1 (items 66, 68, and 70), 7 and 9; 4:34-51; 6:45-56; 7:65-9:40; 10:15-39; 11:30-12:3. • Microsoft Press Computer Dict. 123 (4th Ed. 1999) (“Database”: “A file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions”). • Microsoft Press Computer Dict. 129 (3d Ed. 1997) (“Database”: “A file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions”). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. • <i>See also</i> Evidence cited for items 3 (“service response”), 11 (“formed in response to said information”), and 12 (“Web address”). 	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>“a database that stores a response in association with said Web address indicating a denial, customized or default service to be rendered (displayed) on a Web page”</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '691 and '636 Patents, Figs.6 and 7 and accompanying text. • '691 Patent, 9:34-36, 6:53-63, 7:15-44, 7:65-67, 10: 37-39 • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date. <p>See definition of “service response.” See definition of “Web address”</p>
8.	issues / issuing [first] command to retrieve a second code module ('691: 21, 25)	<p>Issuing a command to retrieve, or initiating retrieval or download of, a second code module means “invoking a URL, in the code module, of a script that causes retrieval of a second code module.”</p> <p>* This term may be claim dispositive as to one or both</p>	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p>

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	('636: 1, 2, 3, 9)	<p>accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent Fig. 1 (item 84); Fig. 2 (item 92); 4:51-60; 5:7-19; 6:14-19; 6:36-45; 12:18-45. Am. Century Dict. 495 (1995) ("retrieve": "obtain (information stored in a computer, etc.)"). Am. Heritage College Dict. 1166 (3d Ed. 1997) ("retrieve": "To find and carry back; fetch"). Merriam-Webster's Collegiate Dict. 1001 (10th Ed. 1998) ("retrieve": "to get and bring back; <i>esp</i> : to recover (as information) from storage"). Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>"Invoking computer program instructions to obtain a specific requested item or set of data by locating it and returning it to a program or to the user."</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent, 5:7-10 '636 Patent, 5:14-17; 6:21-25, Fig.3 Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date. <p>See definition of "code module."</p>
9.	<p>execution of said first code module initiates retrieval of a second code module</p> <p>('636: 14, 20, 25)</p>	<p>Issuing a command to retrieve, or initiating retrieval or download of, a second code module means "invoking a URL, in the code module, of a script that causes retrieval of a second code module."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent Fig. 1 (item 84); Fig. 2 (item 92); 4:51-60; 5:7-19; 6:14-19; 6:36-45; 12:18-45. Am. Century Dict. 495 (1995) ("retrieve": "obtain (information stored in a computer, etc.)"). Am. Heritage College Dict. 1166 (3d Ed. 1997) ("retrieve": "To find and carry back; fetch"). 	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>"Begin to obtain a specific requested item or set of data by locating it and returning it to a program or to the user."</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent, 5:7-10 '636 Patent, 5:14-17; 6:21-25, Fig. 3. Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<ul style="list-style-type: none"> Merriam-Webster's Collegiate Dict. 1001 (10th Ed. 1998) ("retrieve": "to get and bring back; <i>esp</i> : to recover (as information) from storage"). Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>the priority date.</p> <p>See definition of "code module."</p>
10.	<p>initiate a download of a second computer readable code module</p> <p>('691: 19, 20)</p>	<p>Issuing a command to retrieve, or initiating retrieval or download of, a second code module means "invoking a URL, in the code module, of a script that causes retrieval of a second code module."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent Fig. 1 (item 84); Fig. 2 (item 92); 4:51-60; 5:7-19; 6:14-19; 6:36-45; 12:18-45. Am. Century Dict. 495 (1995) ("retrieve": "obtain (information stored in a computer, etc.)"). Am. Heritage College Dict. 1166 (3d Ed. 1997) ("retrieve": "To find and carry back; fetch"). Merriam-Webster's Collegiate Dict. 1001 (10th Ed. 1998) ("retrieve": "to get and bring back; <i>esp</i> : to recover (as information) from storage"). Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>"Begin to transfer a copy of a file from a remote computer to the requesting computer by means of a modem or network."</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent, 5:15-17 '636 Patent, 5:22-24; 6:21-25 Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date. <p>See definition of "code module."</p>
11.	<p>service response being</p> <p>formed in response to said information</p>	<p>formed in response to said information means "formed according to visitor specified parameters stored at the server system."</p>	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following</p>

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	('636: 20, 25)	<p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent at Figs. 5 (item 230) and 9; 10:20-11:57. Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>construction:</p> <p>“formed using the information to target the service response to the Web page”</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent, 7:15-44, 8:12-28, 8:37-9:33, 9:39-42; 9:54-67, 10:1-34, 11:60-12:3 Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
12.	<p>Web address</p> <p>('691: 19, 20, 21, 25)</p>	<p>Web address means “a Uniform Resource Locator (URL) used to locate a web page.”</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 Patent at Figs. 4 & 7; 2:54-58; 3:23-53; 3:58-60; 4:17-19; 5:7-10; 6:14-19; 6:46-52; 7:29-32; 8:5-6; 9:18-23; 9:34-40. Microsoft Press Computer Dict. 505 (3d Ed. 1997) (“Web address”: “See URL.”). Microsoft Press Computer Dict. 487 (3d Ed. 1997) (“URL”: “An address for a resource on the Internet.”). Microsoft Press Computer Dict. 479 (4th Ed. 1999) (“Web address”: “See URL.”). Microsoft Press Computer Dict. 461 (4th Ed. 1999) (“URL”: “An address for a resource on the Internet.”). 	<p>A “Web address” means “a Uniform Resource Locator (URL) or a string expression used to locate a Web Page or other resource via a network.”</p> <p>Evidence:</p> <ul style="list-style-type: none"> '636 Patent, 3:66-4:1 Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<ul style="list-style-type: none"> • P. Laplante, ed., Dict. of Computer Science Engineering and Technology 511 (2001) ("uniform resource locator (URL)": "in the World Wide Web, the Internet address of a file"). • B. Pfaffenberger, Webster's New World Dict. of Computer Terms 550 (8th Ed. 2000) ("URL": "In the World Wide Web, one of two basic kinds of Universal Resource Identifiers (URI), a string of characters that precisely identifies an Internet resource's type and location. For example, the following fictitious URL identifies a World Wide Web document (http://), indicates the domain name of the computer on which it is stored (www.wolverine.virginia.edu), fully describes the document's location within the directory structure (~toros/winerefs/), and includes the document's name and extension (merlot.html). For example: http://www.wolverine.virginia.edu/~toros/winerefs/merlot.html"). • Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	
13.	<p>processor platform</p> <p>('636: 1, 2, 3, 9, 14, 20, 25)</p> <p>second processor platform</p> <p>('691: 21, 25)</p>	<p>Processor platform ('636), client machine ('691 claims 19-20), or second processor platform ('691 claims 21, 25) means "a networked computing device operated by an end user, which includes a central processing unit (CPU), memory, input/output lines and a display."</p> <p>* This term may be claim dispositive as to one or both accused products.</p> <p>Evidence:</p>	<p>This claim term does not require construction beyond its plain and ordinary meaning. To the extent, however, that the Court believes such term requires construction, Augme proposes the following construction:</p> <p>"a central processing unit (CPU) and memory"</p> <p>Evidence:</p> <ul style="list-style-type: none"> • '636 Patent, 3:58-59; 4:9-12 • Microsoft Computer Dictionary (5th Ed.

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		<ul style="list-style-type: none"> '691 Patent at claims 11, 19, 21; Fig. 1; 1:13-2:20; 2:36-67; 3:37-5:6; 5:40-6:45; 7:37-45; 9:40-64; 10:1-12:9; 12:17-12:63; 13:3-52; 14:18-34. '691 File History, January 8, 2003 Amendment, at 11-13. '636 File History, March 26, 2007 Amendment, at 17. Dr. Nutt may testify that a POSITA would have understood this term to have the meaning proposed by Yahoo!. 	<p>2002) at 423.</p> <ul style="list-style-type: none"> Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
14.	<p>means for providing a comment tag informing said Web browser to ignore said initiating means</p> <p>('691: 19, 20)</p>	<p><u>Function:</u> Providing a comment tag informing said web browser to ignore said initiating means, means "providing a tag that instructs the user's web browser to ignore said initiating means contained within the first code module so the first code module can perform said means itself."</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Accordingly, the claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Evidence:</p> <ul style="list-style-type: none"> '691 File History, January 8, 2003 Amendment, at 15. Dr. Nutt may testify regarding the view of a POSITA as of the priority date. 	<p><u>Function:</u> providing a comment tag informing said Web browser to ignore said initiating means.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) providing a tag indicating a comment; and (2) informing the Web browser via the comment tag to ignore a command to initiate execution of a second code module, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <i>See, e.g.,</i> '691 Patent, 5:20-28; FIG. 2 (LINE 3) (comment tag 102); FIG. 3 (Task 246). Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
15.	<p>means for communicating a Web</p>	<p><u>Function:</u> The recited function is "communicating a Web address of said Web page to a server system via a network</p>	<p><u>Function:</u> communicating a Web address of said Web page to a server system via a network</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
	<p>address of said Web page to a server system via a network connection to initiate a download of a second computer readable code module to said client machine</p> <p>('691: 19, 20)</p>	<p>connection to initiate a download of a second computer readable code module to said client machine.”</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Accordingly, the claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p>connection to initiate a download of a second computer readable code module to said client machine.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) accessing a Web page on the Internet through a first Web address, the Web page having an embedded first computer readable code module; (2) moving a copy of the Web page into temporary memory; (3) initializing a first command to activate a second Web address for contacting a server system; (4) communicating over a network connection, via the first command, the first Web address to the server system; and (5) initiating the download of a second computer-readable code module, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:15-24; 4:61-5:19; FIG. 2 (LINE 1); FIG. 3 (Tasks 112-244); 6:9-35. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
16.	<p>means for communicating first information characterizing said Web browser to said server system</p>	<p><u>Function:</u> The recited function is “communicating first information characterizing said Web browser to said server system.”</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Accordingly, the</p>	<p><u>Function:</u> communicating first information characterizing said Web browser to said server system.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm,</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
	('691: 19, 20)	<p>claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p>which includes the steps of: (1) storing in memory a Web browser program and information characterizing the Web browser; (2) accessing a Web page through a first Web address using the Web browser, the Web page having an embedded first code module; (3) initiating a first command in the first code module to activate a second Web address for contacting a server system; and (4) communicating over a network connection to the server system via the first command, the first Web address and the information characterizing the Web browser, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:4-32; 4:61-5:13; FIG. 2 (LINE NO. 1); FIG. 3 (Tasks 112-120); 6:3-28; FIG. 5 (Tasks 124-190); 6:36-52; 9:35-49. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
17.	<p>means for communicating second information characterizing said client machine to said server system</p> <p>('691: 19, 20)</p>	<p><u>Function:</u> The recited function is "Communicating second information characterizing said client machine to said server system."</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Accordingly, the claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of</p>	<p><u>Function:</u> communicating second information characterizing said client machine to said server system."</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) storing in memory information characterizing a client machine; (2) accessing a Web page through a first Web address using a Web browser, the Web page having an</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
		the priority date.	<p>embedded first code module; (3) initiating a first command in the first code module to activate a second Web address for contacting a server system; and (4) communicating over a network connection to the server system via the first command the first Web address and the information characterizing the client machine, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:4-32; 4:61-5:13; FIG. 2 (LINE NO. 1); FIG. 3 (Tasks 112-120); 6:3-28; FIG. 5 (Tasks 124-190); 6:36-52; 9:35-49. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
18.	means for assembling, at said server system, said second computer readable code module, said second computer readable code module containing a service response related to said Web page, said second computer readable code module being responsive to said first and second information	<p><u>Function:</u> The recited function is “assembling, at said server system, said second computer readable code module, said second computer readable code module containing a service response related to said Web page, said second computer readable code module being responsive to said first and second information.”</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Additionally, the claims including this limitation are inoperative. Accordingly, the claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p><u>Function:</u> assembling, at said server system, said second computer readable code module, said second computer readable code module containing a service response related to said Web page, said second computer readable code module being responsive to said first and second information.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) receiving at a server system a first command communicated over a network from a client machine; (2) receiving at the server system a Web address of a Web page accessed by the client machine and communicated via the first command; (3) receiving at the server system first</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
	('691: 19, 20)		<p>information characterizing a Web browser and second information characterizing a client machine; and (4) executing instructions to assemble a second code module with a service response responsive to the first and second information, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:44-60; 6:36-45; FIG. 5 (Tasks 124-238); FIG. 7; 9:34-10:45; 11:55-12:9. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
19.	<p>means for downloading said second computer readable code module to said client machine</p> <p>('691: 19, 20)</p>	<p><u>Function:</u> The recited function is “downloading said second computer readable code module to said client machine.”</p> <p><u>Structure:</u> The corresponding structure is a “second processor platform” (Fig. 1 item 24), a “CPU” ('691 Patent Fig. 1 item 40), “memory” (Fig. 1 item 42), a “web browser” (Fig. 1 item 52), “temporary memory” (Fig. 1 item 54), a “network connection” (Fig. 1 item 96), a “first code module” (Fig. 1 item 36, Fig. 2), and a “first command line” (Fig. 2 item 92). (See also '691 Patent at 4:1-24, 4:61-5:19, 6:3-35, 12:17-45.)</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p><u>Function:</u> downloading said second computer readable code module to said client machine.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) executing computer program instructions at the server system which initiates downloading of the second computer readable code module; (2) communicating the second computer readable code module via a network connection to the client machine; and (3) downloading the second computer readable code module to temporary memory in the client machine, and structural equivalents thereof.</p> <p>Evidence:</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
			<ul style="list-style-type: none"> • See, e.g., '691 Patent, FIG. 1 (CGI interface program 84, second code module 90, ports 78, Internet 28, network connection 96, second processor platform 24, temporary memory 54); 4:54-60; 5:15-17; 5:23-26; 6:28-31; 12:17-21; 12:29-37; FIG. 3 (Task 244). • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
20.	means for initiating execution of said second computer readable code module following said download of said second computer readable code module ('691: 19, 20)	<p><u>Function:</u> The recited function is “initiating execution of said second computer readable code module following said download of said second computer readable code module.”</p> <p><u>Structure:</u> The corresponding structure is a “second processor platform” (Fig. 1 item 24), a “CPU” ('691 Patent Fig. 1 item 40), “memory” (Fig. 1 item 42), a “web browser” (Fig. 1 item 52), “temporary memory” (Fig. 1 item 54), a “first code module” (Fig. 1 item 36, Fig. 2), and a “fourth command line” (Fig. 2 item 104). (See also '691 Patent at 4:1-24, 4:61-5:29, 6:3-35, 12:38-48.)</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p><u>Function:</u> initiating execution of said second computer readable code module following said download of said second computer readable code module.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the step of issuing a command instructing the Web browser to initiate execution of the second computer readable code module following the download of the second computer readable code module, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, FIG. 2 (LINE NO. 4); 5:23-26; FIG. 3 (Task 246); 12:38-45. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
21.	means for	<p><u>Function:</u> The recited function is “communicating said</p>	<p><u>Function:</u> communicating said second code module</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
	<p>communicating said second code module to said second processor platform, such that upon retrieving said second code module, said first code module issues a second command to initiate execution of said second code module at said second processor platform</p> <p>('691: 21, 25)</p>	<p>second code module to said second processor platform, such that upon retrieving said second code module, said first code module issues a second command to initiate execution of said second code module at said second processor platform."</p> <p><u>Structure:</u> The corresponding structure is a "second processor platform" (Fig. 1 item 24), a "CPU" ('691 Patent Fig. 1 item 40), "memory" (Fig. 1 item 42), a "web browser" (Fig. 1 item 52), "temporary memory" (Fig. 1 item 54), a "network connection" (Fig. 1 item 96), a "first code module" (Fig. 1 item 36, Fig. 2), a "fourth command line" (Fig. 2 item 104), a "server system" (Fig. 1 item 26), server system "CPU" (Fig. 1 item 62), server system "memory" (Fig. 1 item 64), "ports" (Fig. 1 item 78), "communication instructions" (Fig. 1 item 88), "CGI program" (Fig. 1 item 84), "network connection" (Fig. 1 item 96), "Internet" (Fig. 1 item 28). (See also '691 Patent at 4:1-24, 4:34-5:29, 6:3-35, 12:17-48.)</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p>to said second processor platform, such that upon retrieving said second code module, said first code module issues a second command to initiate execution of said second code module at said second processor platform.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) communicating a second code module from the server system to the second processor platform via a network connection; (2) downloading the second code module to temporary memory at the second processor platform; and (3) issuing a command from the first code module to initiate execution of the second code module by the Web browser, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:58-60; FIG. 1 (second code module 90, server system 26, ports 78, Internet 28, network connection 96, second processor platform 24, temp memory 54); 5:15-26; FIG. 2 (LINE NO. 4); FIG. 3 (Tasks 244-246); FIG. 5 (Task 242); 12:17-48. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.
22.	<p>means for receiving, from said second processor platform,</p>	<p><u>Function:</u> The recited function is "receiving, from said second processor platform, first information related to said Web browser and second information related to said second</p>	<p><u>Function:</u> receiving, from said second processor platform, first information related to said Web browser and second information related to said</p>

	Term(s) to be Construed	Yahoo!'s Construction & Evidence	Augme's Construction & Evidence
	<p>first information related to said Web browser and second information related to said second processor platform, said processor being in communication with said receiving means</p> <p>('691: 25)</p>	<p>processor platform, said processor being in communication with said receiving means.”</p> <p><u>Structure:</u> The '691 Patent lacks any adequate disclosure of corresponding structure for this limitation. Accordingly, the claims including this limitation are invalid for indefiniteness under 35 U.S.C. § 112 ¶ 2.</p> <p>Dr. Nutt may testify regarding the view of a POSITA as of the priority date.</p>	<p>second processor platform, said processor being in communication with said receiving means.</p> <p><u>Structure:</u> a computer programmed with special-purpose software modules to execute an algorithm, which includes the steps of: (1) receiving from the second processor platform information related to the Web browser from a first portion of memory on the second processor platform via a network connection; and (2) receiving from the second processor platform information related to the second processor platform from a second portion of memory on the second processor platform via a network connection, and structural equivalents thereof.</p> <p>Evidence:</p> <ul style="list-style-type: none"> • See, e.g., '691 Patent, 4:4-9; 6:24-28; FIG. 1 (browser info 56, platform info 58, network connection 96, second processor platform 24, server system 26); FIG. 3 (Task 120) (and associated text); FIG. 5 (Task 190) (and associated text); FIG. 10 (Task 220) (and associated text); 9:15-49; 10:46-65. • Dr. Keller may offer testimony regarding the view of one of ordinary skill in the art as of the priority date.